

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

United States Courts
Southern District of Texas
JUL 22 2019
David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

Vs.

Kayous Pena
Brandie Lee Anaya
Monica Valdez

CRIMINAL COMPLAINT

Case Number: 2:19mj2801

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about July 21, 2019 in Nueces County County, in the

(Date)

Southern District of Texas, defendant,

Kayous Pena
Brandie Lee Anaya
Monica Valdez

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:

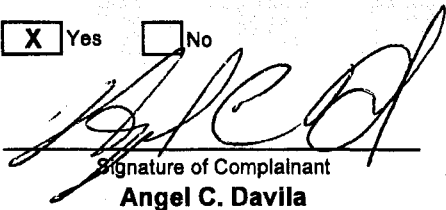
Official Title

See Attached Affidavit of U.S. Border Patrol Agent

Angel C. Davila

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No


Signature of Complainant

Angel C. Davila
Printed Name of Complainant

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:

July 22, 2019

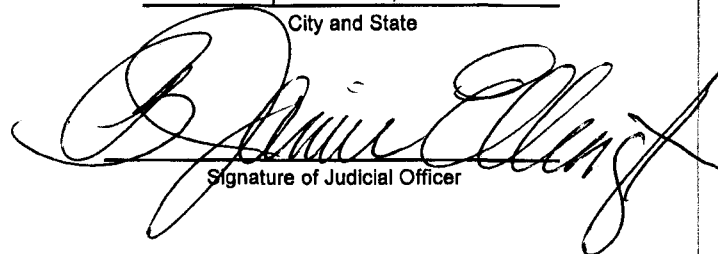
Date

at Corpus Christi, Texas

City and State

B. Janice Ellington U.S. Magistrate Judge

Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

Probable Cause/Facts:

On July 21, 2019, at approximately 12:37 A.M., Robstown PD Officer L. Ramon conducted a vehicle stop on a white Lincoln Aviator (SUV) on U.S Highway 77 north of State Highway 44 in Robstown, Texas. Officer L. Ramon initiated the traffic stop for Fail to Maintain Financial Responsibility (no insurance) and for having an Expired Registration. As Officer L. Ramon approached the vehicle, he observed three male subjects laying down inside the rear cargo area. Officer L. Ramon made contact with the driver and identified her as VALDEZ, Monica. Officer L. Ramon also observed a female front seat passenger and a male back seat passenger. The female front seat passenger was identified as ANAYA, Brandie Lee. The male back seat passenger was identified as PENA, Kayous. After a brief interview with the driver and her passengers, Officer L. Ramon began to suspect he might have encountered an alien smuggling case. The three male subjects in the rear cargo area were only able to communicate in the Spanish language and presented foreign identification cards. Officer L. Ramon requested additional backup assistance from fellow Robstown PD Officers. Officer L. Ramon also requested assistance from the Corpus Christi USBP station via Robstown PD dispatch. Border Patrol Agents (BPAs) A. Ruiz and J. Meninzor responded on scene to assist.

Upon arrival at the scene, BPA's J. Meninzor and A. Ruiz interviewed the three male subjects in the rear cargo area of the vehicle. All three subjects admitted to being illegally present in the United States. The driver, VALDEZ, the female front seat passenger, ANAYA, and the backseat male passenger, PENA, all claimed to be United States citizens (USC's). BPA's J. Meninzor and A. Ruiz determined initiated an alien smuggling case after interviewing the subjects. All six subjects were placed under arrest and transported to the Corpus Christi USBP station.

NOTE: During processing, PENA claimed to be an active gang member affiliated with the Fair Park gang.

Miranda Rights:

All subjects were advised of their Miranda Rights in their preferred languages. All subjects acknowledged they understood their rights. All Subjects agreed to provide statements without the presence of an attorney.

Defendant Monica VALDEZ statement:

VALDEZ stated she was picked up in Harlingen, Texas at a Motel 6 and taken to a house in Mission, Texas by an unknown male and an unknown female. In Mission, she was given a Lincoln SUV, and the three illegals to smuggle to Dallas, Texas. VALDEZ stated the illegals were hidden in the back and she then drove to Harlingen, Texas to pick up her boyfriend, PENA, and PENA's sister, ANAYA. VALDEZ was going to take them with her as she attempted to smuggle the illegals north to Dallas, Texas. VALDEZ stated her boyfriend and his sister did not know anything about

the smuggling attempt. She was going to be paid \$1,800.00 to smuggle the illegals north. VALDEZ stated if she had used her own vehicle, the payment would have been more.

They drove through the checkpoint with the illegals hidden in the back. Once past it, she felt bad and let the illegal aliens come out. VALDEZ was asked why she drove through the Falfurrias Checkpoint as opposed to the Kingsville Checkpoint, and she stated she did not know about checkpoints and was told to take that route. VALDEZ stated she drove north, and made one stop along the way at a Stripes convenience store, until she was encountered by the police in Robstown, Texas.

VALDEZ was asked if either PENA or ANAYA had ever had any previous encounters with Border Patrol, and she stated she knew that ANAYA had previously attempted to smuggle aliens. VALDEZ was asked to provide any further information on the smuggling attempt, and she stated she knew the name of the person who contacted her, but she could not disclose their name.

VALDEZ did not have a phone with her. She stated they used ANAYA'S phone to enter the GPS for the address to where they were going.

Defendant Brandie Lee ANAYA statement:

ANAYA stated that she was at the Motel 6 in Harlingen, Texas with PENA and VALDEZ. ANAYA stated that PENA and VALDEZ invited her to go to Galveston Beach for the day in Galveston, Texas. ANAYA stated that she was told to sit in the front by VALDEZ and that it was her cousin's vehicle. ANAYA also stated that once the trip started PENA made a phone call from her phone to a number she did not recognize.

ANAYA stated that as soon as the trip started she fell asleep until they reached the Border Patrol Checkpoint in Falfurrias, Texas. ANAYA stated that she thinks PENA might have been the one to make the arrangements to transport the illegals but she wasn't sure. ANAYA also stated she believes VALDEZ possibly knew. ANAYA also stated that she was not sure why they went through the Falfurrias Checkpoint when they could've just gone through the Sarita Checkpoint. ANAYA stated that once they passed the checkpoint she drove for a bit but was falling asleep so she had VALDEZ drive again so she could sleep. ANAYA also stated that they stopped at a store to pump gas. ANAYA stated she did not feel the vehicle stop or feel/hear any vehicle doors open or close before stopping at the store.

ANAYA stated that once the vehicle was about to be pulled over PENA said, "We are cousins okay, tell them we are cousins." ANAYA stated that the first time she saw the undocumented immigrants was when they were pulled over by the Robstown PD, and they were taken out of the vehicle.

Defendant Kayous PENA statement:

At the beginning of the interview PENA provided a false statement. Once PENA was asked to explain in more detail about his trip, and stated he didn't want to talk anymore. He also stated he wanted to go back to sleep and there was no point in doing an interview. After terminating the interview, PENA became uncooperative and aggressive with agents as they attempted to walk him back to the holding cell. PENA was eventually placed back in his cell after he calmed down.

A couple hours later PENA requested to make a statement and a second video interview was conducted with PENA by BPA P. Zaddock and BPA-I L. Rosenbaum III.

PENA stated this was not the first time that he had smuggled aliens. The day before yesterday he had successfully smuggled aliens to Houston, Texas. Once he returned to Harlingen, Texas the smugglers made contact with him. The smuggler asked if PENA wanted to smuggle additional aliens today for \$1,000.00 per person. PENA agreed to this and was told to meet in Edinburg, Texas.

Once in Edinburg, PENA followed a red four door Dodge pickup truck being driven by the smuggler, to a house. PENA witnessed the smugglers load the three illegal immigrants into the cargo area of the SUV he was arrested in. PENA stated he was told to take the SUV with the illegal immigrants to Houston, Texas. With the aliens still in the cargo area, PENA traveled north on Highway 281 through the Falfurrias Border Patrol Checkpoint. After successfully passing through the Checkpoint, the aliens were moved to the rear seats as they proceeded to travel north on Highway 281. PENA stated before being stopped by the Robstown Police Officer the aliens were once again placed in the cargo area of the SUV in an attempt to conceal them from law enforcement.

Material Witness Roberto GOMEZ-Gonzalez statement:

GOMEZ stated he made arrangements to pay \$5,000.00 to be smuggled to the United States. GOMEZ stated he crossed the Rio Grande River from Mexico to Brownsville, Texas about ten days ago. He stated after crossing the river, he was taken to house (stash house) at an unknown location. GOMEZ stated the man at the house communicated with his mother in Mexico to coordinate the smuggling arrangements. GOMEZ stated his girlfriend paid half of the smuggling fees and was going to pay the rest once he arrived.

GOMEZ stated that yesterday (July 20, 2019) at approximately 6:00 P.M., two male subjects arrived at the stash house in a blue Ford truck to pick him up. GOMEZ stated the two other illegal aliens were already in the truck. GOMEZ stated they were taken and dropped off to walk in the brush to circumvent the Border Patrol Checkpoint. GOMEZ stated he and the two others walked through the brush for three hours. GOMEZ stated they walked to a store, where they hid in the nearby brush until a vehicle (the same vehicle he was encountered in when stopped by Robstown Police Department) arrived to pick them up. GOMEZ stated the guy in the vehicle yelled at them to get in. GOMEZ stated the guy opened the rear door on the driver's side and they got in. GOMEZ stated he sat in the third row seat behind the front seat passenger, GOMEZ stated the alien from Honduras sat in the middle and the other alien from Mexico sat behind the driver. GOMEZ stated that he believed all three principals did know they were here in the United States illegally because of the manner in which they were traveling.

Material Witness Jose Adony GUILLEN-Molina statement:

GUILLEN stated he is a citizen and national of Honduras. GUILLEN stated he was going to pay \$9,000.00 to be smuggled into the United States. GUILLEN stated he crossed the Rio Grande River and entered illegally into the United States on or about July 7, 2019. GUILLEN stated after crossing he was taken to a stash house where he was kept for about ten days.

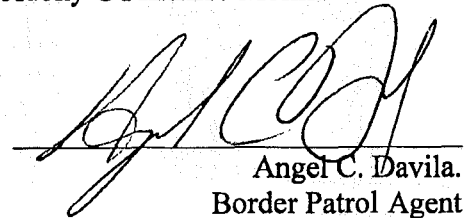
GUILLEN stated a man in a car arrived at the house to pick him up yesterday evening (July 20, 2019). GUILLEN stated he was dropped off to walk in the brush and that was the first time he saw the other two illegal aliens he was arrested with.

GUILLEN stated once they were passed the Border Patrol Checkpoint, they made their way to the highway where they were asked for a ride. GUILLEN stated a white vehicle they were encountered in stopped and they asked the female driver for a ride. GUILLEN stated he got into the vehicle and sat in middle of the third row. GUILLEN stated the female driver wore a white shirt, the front seat passenger wore a red shirt, and the male that sat in the second row seat, was wearing a red striped shirt. GUILLEN stated he believed all three principals knew they were in the United States illegally because of the manner in which they were transporting them.

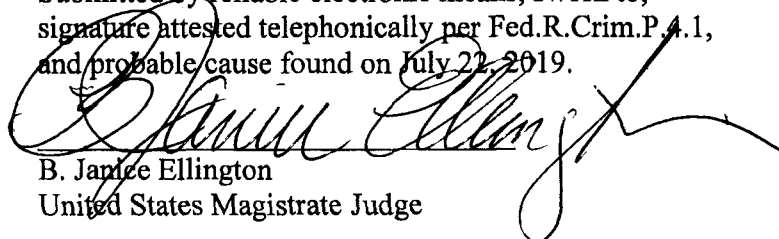
NOTE: Both Material Witnesses were shown photo line-ups and they were able to identify the driver (Monica VALDEZ), the front seat passenger (Brandie Lee ANAYA), and the male principal (Kayous PENA) that was sitting in the second row.

Disposition:

The facts of this case were presented to Assistant United States Attorney Lance Watt who accepted Monica VALDEZ, Brandie Lee ANAYA & Kayous PENA for prosecution of 8 USC 1324, Alien Smuggling. Roberto GOMEZ-Gonzalez & Jose Adony GUILLEN-Molina will be held as a material witness.


Angel C. Davila.
Border Patrol Agent

Submitted by reliable electronic means, sworn to,
signature attested telephonically per Fed.R.Crim.P. 4.1,
and probable cause found on July 22, 2019.


B. Janice Ellington
United States Magistrate Judge